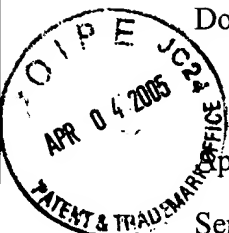


3628



Docket No. 3939-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David H. Walker

Serial No.: 09/691,927

Group Art Unit: 3628

Filed: October 19, 2000

Examiner: Poinvil, Frantzy

For: APPARATUS, SYSTEM, AND METHOD FOR AN ELECTRONIC PAYMENT
SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

I. The Examiner's Restriction Requirement

In response to Examiner's restriction requirement dated January 11, 2005, Applicants submit the instant response. The Examiner has required restriction to one of the following patentably distinct groups of claims under 35 U.S.C. § 121:

Group I	Claims 1-50
Group II	Claims 51-85
Group III	Claims 86-105
Group IV	Claims 106-115
Group V	Claims 116-125
Group VI	Claims 126-140
Group VII	Claims 141-160
Group VIII	Claims 161-200
Group IX	Claims 201-215
Group X	Claims 216-230
Group XI	Claims 231-232
Group XII	Claims 233-256
Group XIII	Claims 257-268

II. Applicants' Election

Applicant elects to pursue prosecution of Group I, claims 1-50.

This election is made with traverse. Applicant respectfully submits that for a restriction requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." M.P.E.P. §803. Applicant respectfully submits that (1) all the groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. Applicant respectfully submits, that there would be no undue burden on the Examiner to search and examine all groups together. Applicant respectfully requests that the Examiner review the groups of claims in determining the similar search and examination requirements of all the groups.

Alternatively, Applicant requests that at least Groups I and XIII be considered together as they are related to credit and payment systems facilitation; groups II - IV be considered together because they relate to advertising; and groups V-X be considered together because they relate to information and credit provision.

It is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

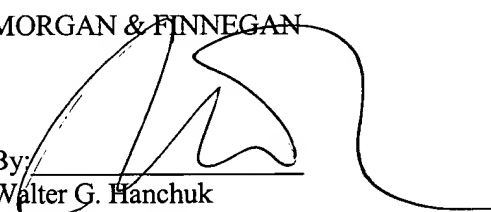
In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

III Authorization

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 13-4500, order no. 3939-4000. Any extension of time which may be required is hereby petitioned. A duplicate of this sheet is attached.

Respectfully submitted,

MORGAN & FINNEGAN

By: 
Walter G. Hanchuk
Reg. No. 35,179

Dated: April 1, 2005

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